

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Radfan Awad,

Petitioner,

v.

Mark Cangemi,

Respondent.

Civil No. 07-7 (DSD/JJG)

**REPORT
AND
RECOMMENDATION**

JEANNE J. GRAHAM, United States Magistrate Judge

This matter comes before the undersigned on Radfan Awad's petition for a writ of habeas corpus under 28 U.S.C. § 2241 (Doc. No. 1). Mr. Awad is represented by Herbert A. Igbunugo, Esq. Respondent Mark Cangemi, named in his capacity as District Director for Immigration and Customs Enforcement, is represented by Mary L. Trippler, Assistant U.S. Attorney. The petition is referred to this Court for a report and recommendation in accordance with 28 U.S.C. § 636 and Local Rule 72.1.

Mr. Awad is a Djiboutian national. Determining that Mr. Awad was convicted for certain firearms offenses, Immigration and Customs Enforcement (ICE) revoked his permanent resident status and ordered his removal. ICE officials took Mr. Awad into custody in January 2006, and ICE finalized the order of removal in March 2006.

Mr. Awad appealed the order of removal. While the appeal was pending, Mr. Awad filed his current petition, asserting that his continued detention violated due process. The appeal was resolved, and the order of removal was upheld, in October 2007. Mr. Awad was removed to Djibouti in December 2007.

If a petitioner for a writ of habeas corpus is released from custody, then there is no longer a live dispute regarding the petition. As a result, a court has no authority to decide the petition, which is appropriately denied as moot. *See Ali v. Cangemi*, 419 F.3d 722, 724 (8th Cir. 2005).

Being advised of the files and proceedings herein, **IT IS HEREBY RECOMMENDED THAT:**

1. Mr. Awad's petition for a writ of habeas corpus under 28 U.S.C. § 2241 (Doc. No. 1) be **DENIED AS MOOT**.
2. This matter be dismissed in its entirety and judgment entered.

Dated this 6th day of May, 2008.

s/ Jeanne J. Graham

JEANNE J. GRAHAM
United States Magistrate Judge

NOTICE

Pursuant to Local Rule 72.2(b), any party may object to this report and recommendation by filing and serving specific, written objections by **May 20, 2008**. A party may respond to the objections within ten days after service thereof. Any objections or responses filed under this rule shall not exceed 3,500 words. The district court judge shall make a de novo determination of those portions to which objection is made. Failure to comply with this procedure shall forfeit review in the United States Court of Appeals for the Eighth Circuit.